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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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48384 7590 12/02/2008 RAUBVOGEL LAW OFFICE 820 LAKEVIEW WAY REDWOOD CITY, CA 94062				
EXAMINER				
FRITZ, BRADFORD F				
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2441				
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12/02/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/608,515

Applicant(s)

ERROR ET AL.

Examiner

BRADFORD F. FRITZ

Art Unit

2441

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 September 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12, 14-27, 29-32 and 35-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12, 14-27, 29-32 and 35-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, filed 9/11/2008, with respect to the rejection(s) of claim(s) 1-12, 18-23, 25-27, and 29-31 have been fully considered and are partially persuasive, except for the arguments with respect to claims 14-18. Therefore, the rejection has been withdrawn, except for the rejection of claims 14-18 that rejection has been maintained. However, upon further consideration, regarding claims 1-12, 18-23, 25-27, and 29-31, a new ground(s) of rejection is made in view of Burema et al. (2002/0029290) and Sharder et al. (6,374,359).

2. Applicant's arguments, with respect to claims 14-18, filed 9/11/2008 have been fully considered but they are not persuasive.

3. In the remarks, applicant argued in substance that:

(A) Claim 16 includes similar limitations to those discussed with claim 3 and that claims 14, 15, and 17 incorporate limitations discussed above and are accordingly patentable.

As to point (A), the Examiner respectfully disagrees. The Examiner notes that claims 14-17 do not have all of the same limitations as the other independent claims. Applicant's arguments with regards to claims 14-17 fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable

invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. Applicant must also discuss the references applied against the claims, explaining how the claims avoid the references or distinguish from them.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 14-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Burema et al. (2002/0029290), hereinafter referred to as Burema.
6. Regarding claim 14, Burema disclosed sending, from a client, a first request for a resource to a data collection server (paragraph 0045); in response to the first request including a visitor identifier: receiving the requested resource (paragraphs 0031 and 0071-78 and Figs. 3a-b); in response to the first request not including a visitor identifier: receiving a new visitor identifier and a redirection request from the data collection server (paragraphs 0031 and 0071-78 and Figs. 3a-b); responsive to the client storing the new visitor identifier (paragraph 0031 and 0071-78 and Figs. 3a-b), sending a second request for a resource with the new visitor identifier to the data collection server; and

responsive to the client not storing the new visitor identifier (paragraph 0031 and 0071-78 and Figs. 3a-b), sending a second request for a resource without the new visitor identifier to the data collection server (paragraph 0031 and 0071-78 and Figs. 3a-b); and receiving the requested resource (paragraph 0031 and 0071-78 and Figs. 3a-b).

7. Regarding claim 16, Burema disclosed sending, from a client, a first request for a resource to a data collection server (paragraph 0045); in response to the first request not including a visitor identifier: a) receiving a new visitor identifier and a redirection request from the data collection server (paragraph 0031 and 0071-78 and Figs. 3a-b), the redirection request including an indicator that step c) has been performed; b) responsive to the client storing the new visitor identifier (paragraph 0031 and 0071-78 and Figs. 3a-b), sending a second request for a resource with the new visitor identifier to the data collection server (paragraph 0031 and 0071-78 and Figs. 3a-b), the second request including an indicator that step c) has been performed; and c) responsive to the client not storing the new visitor identifier (paragraph 0031 and 0071-78 and Figs. 3a-b), sending a second request for a resource without the new visitor identifier to the data collection server (paragraph 0031 and 0071-78 and Figs. 3a-b), the second request including an indicator that step c) has been performed; and receiving the requested resource (paragraph 0031 and 0071-78 and Figs. 3a-b).
8. Regarding claims 15 and 17, Burema disclosed a method wherein the visitor identifier comprises a cookie (paragraph 0031).

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1-12, 18-23, 25-27, and 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Burema et al. (2002/0029290), in view of Sharder et al. (6,374,359), hereinafter referred to as Sharder.

11. Regarding claims 1 and 18, Burema disclosed a.) receiving a request for a resource, the request originating at a client (paragraph 0045); b.) determining whether the request for the resource includes a visitor identifier (paragraph 0031 and 0071-78 and Figs. 3a-b); c.) responsive to the request not including the visitor identifier: assigning a new visitor identifier (paragraph 0031 and 0071-78 and Figs. 3a-b); and sending a redirection request with the new visitor identifier to the client (paragraph 0031 and 0071-78 and Figs. 3a-b); responsive to the client storing the new visitor identifier (paragraph 0031 and 0071-78 and Figs. 3a-b), determining that the client accepts visitor identifiers (paragraph 0031 and 0071-78 and Figs. 3a-b); and responsive to the client not storing the new visitor identifier (paragraph 0031 and 0071-78 and Figs. 3a-b), determining that the client does not accept visitor identifiers and transmitting the requested resource (paragraph 0031 and 0071-78 and Figs. 3a-b).

However, Burema may not explicitly teach responsive to the request including a visitor identifier: obtaining data associated with the visitor identifier; determining that the client accepts visitor identifiers; and transmitting the requested resource to the client.

Sharder teaches responsive to the request (refresh request) including a visitor identifier: obtaining data associated with the visitor identifier (column 6, lines 1-25); determining that the client accepts visitor identifiers (column 6, lines 1-25); and transmitting the requested resource to the client (column 6, lines 1-25). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the features as taught by Sharder in the system of Burema because both are from the same field of endeavor and in order to provide an architecture for the dynamic use and validation of HTTP cookies (column 1, lines 60-65).

12. Regarding claims 2, 4, 6, 8, 12, 15, 17, and 20 Burema disclosed a method wherein the visitor identifier comprises a cookie (paragraph 0031).

13. Regarding claims 3 and 19, Burema disclosed a.) receiving a request for a resource from a requestor, the requestor having an address (paragraph 0045); b.) determining whether the request includes a visitor identifier (paragraph 0031 and 0071-78 and Figs. 3a-b); d.) responsive to the request not including a visitor identifier: b d.1) determining whether the request includes a indicator that step d.3) has been performed (paragraph 0031 and 0071-78 and Figs. 3a-b); e d.2) responsive to the request including the indicator that step d.3) has been performed (paragraph 0031 and 0071-78 and Figs. 3a-b), assigning a visitor identifier from the requestor's address and determining that the requestor does not accept visitor identifiers and transmitting the requested resource to the requestor (paragraph 0031 and 0071-78 and Figs. 3a-b); d.3) responsive to the request not including the indicator that step d.3) has been performed: assigning a new visitor identifier (paragraph 0031 and 0071-78 and Figs. 3a-b); sending

to the requestor a redirection request including the new visitor identifier and an indicator that step d.3) has been performed; and repeating steps a-d (paragraph 0031 and 0071-78 and Figs. 3a-b).

However, Burema may not explicitly teach responsive to the request including a visitor identifier: obtaining data associated with the visitor identifier; determining that the client accepts visitor identifiers; and transmitting the requested resource to the client and the redirection request being adapted to cause the requestor to retransmit the request for the resource. Sharder teaches responsive to the request (refresh request) including a visitor identifier: obtaining data associated with the visitor identifier (column 6, lines 1-25); determining that the client accepts visitor identifiers (column 6, lines 1-25); and transmitting the requested resource to the client (column 6, lines 1-25) and the redirection request being adapted to cause the requestor to retransmit the request for the resource (column 6, lines 1-25). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the features as taught by Sharder in the system of Burema because both are from the same field of endeavor and in order to provide an architecture for the dynamic use and validation of HTTP cookies (column 1, lines 60-65).

14. Regarding claim 5, Burema disclosed a method wherein determining whether the request for the resource included a visitor identifier further comprises the steps of: comparing the visitor identifier with a range of valid visitor identifiers (paragraph 0031 and 0071-78 and Figs. 3a-b); and, in response to the visitor identifier being outside the range of valid visitor identifiers (paragraph 0031 and 0071-78 and Figs. 3a-b), indicating

that the request did not include the visitor identifier (paragraph 0031 and 0071-78 and Figs. 3a-b).

15. Regarding claim 7, Burema disclosed categorizing data sent with the request for the resource by at least one selected from the group consisting of a visitor identifier, a page identifier, and a time stamp (paragraphs 0045-50 and 0031).

16. Regarding claim 9, Burema disclosed repeating steps a-d for a predetermined amount of time (paragraphs 0045-50).

17. Regarding claim 10, Burema disclosed repeating steps a-d until receiving a particular request for a resource (paragraph 0031 and 0071-78 and Figs. 3a-b).

18. Regarding claim 11, Burema disclosed responsive to the request not including a visitor identifier determining that the requestor does not accept visitor identifiers (paragraph 0031 and 0071-78 and Figs. 3a-b); responsive to the request not including the indicator that step has been performed: assigning a new visitor identifier determining that the requestor does not accept visitor identifiers (paragraph 0031 and 0071-78 and Figs. 3a-b); and causing the communication interface to transmit the requested resource to the requestor (paragraph 0031 and 0071-78 and Figs. 3a-b); sending to the requestor a redirection request including the new visitor identifier (paragraph 0031 and 0071-78 and Figs. 3a-b), a session controller coupled to the cookie handler for signaling a session end for a particular visitor identifier (paragraph 0031 and 0071-78 and Figs. 3a-b); and a repository for: storing data sent with the request for the resource (paragraph 0031 and 0071-78 and Figs. 3a-b); responsive to the request including a

visitor identifier, storing data associated with the visitor identifier (paragraph 0031 and 0071-78 and Figs. 3a-b).

However, Burema may not explicitly teach determining whether the request includes a visitor identifier; responsive to the request including a visitor identifier; obtaining data associated with the visitor identifier; determining that the requestor accepts visitor identifiers; and causing the communication interface to transmit the requested resource to the requestor, and the redirection request being adapted to cause the requestor to retransmit the request for the resource. Sharder teaches determining whether the request includes a visitor identifier (column 6, lines 1-25); responsive to the request including a visitor identifier (column 6, lines 1-25); obtaining data associated with the visitor identifier (column 6, lines 1-25); determining that the requestor accepts visitor identifiers (column 6, lines 1-25); and causing the communication interface to transmit the requested resource to the requestor (column 6, lines 1-25), and the redirection request being adapted to cause the requestor to retransmit the request for the resource (column 6, lines 1-25). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the features as taught by Sharder in the system of Burema because both are from the same field of endeavor and in order to provide an architecture for the dynamic use and validation of HTTP cookies (column 1, lines 60-65).

19. Regarding claims 21, 25, and 29 Burema disclosed wherein the received request identifies a resource (paragraph 0045), and the redirection request identifies the same resource identified by the received request (paragraph 0045).

20. Regarding claims 22 and 26, Burema disclosed wherein the received request identifies an address (paragraph 0045), and the redirection request identifies the address identified by the received request (paragraph 0045).
21. Regarding claim 23, Burema wherein sending a redirection request comprises sending a redirection request including an indicator that step c) has been performed (paragraph 0031 and 0071-78 and Figs. 3a-b).
22. Regarding claim 27, Burema disclosed wherein receiving a redirection request comprises receiving a redirection request including an indicator that a first request has been received (paragraph 0045), and wherein the second request for a resource includes the indicator that a first request has been received (paragraph 0045).
23. Regarding claims 30 and 31, Burema disclosed repeating steps a-c until reaching a session expiration (paragraphs 0045-50 and Figs. 3a-b).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRADFORD F. FRITZ whose telephone number is (571)272-3860. The examiner can normally be reached on 8:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Andrew Caldwell/
Supervisory Patent Examiner, Art
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